



DEPARTMENT OF COMMERCE AND INSURANCE  
**BOARD FOR LICENSING CONTRACTORS**

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**Minutes – Teleconference  
September 13, 2010 at 1:00 p.m. (CT)  
Third Floor, Andrew Johnson Tower; Nashville**

**1:00 p.m. Call to Order by Keith Whittington (Vice Chairman)**

**Roll Call:**

Jerry Hayes; Frank Neal; Reese Smith; Ronnie Tickle; and Keith Whittington.  
(Quorum)

**Participants:**

Carolyn Lazenby; Jenny Gray; and Telise Roberts.

**Keith Whittington - Statement of Necessity - Pursuant § T.C.A. 8-44 108:**

Necessity means, the matters to be considered by the governing body at the meeting require timely action by the body. Since a physical presence by a quorum of the members is not practical within the period of time requiring action, participation by a quorum of the members will be allowed by electronic means of communication. Voting will be conducted by roll call. This special called meeting is regarding a Summary Suspension Order.

**Jenny Gray, Legal Counsel for the Board**

American Shingle, LLC, currently has an active home improvement licensee, # 6503; expiration date of May 30, 2012. Attachments forwarded to the Board before this call include a copy of the notice of informal conference which was sent certified mail to their mailing address of record.

Summary: American Shingle, LLC has consistently failed to complete roof repairs as agreed upon by contract with consumers; failed to provide refunds; the Better Business Bureau has received over 21 complaints; and the Board office has received over 30 formal written complaints, plus phone calls and email inquiries. They have appeared to have closed up the business when an investigator checked their office location in Nashville. Upon approval of the summary suspension, a formal hearing will be scheduled.

**Motion:** Ronnie Tickle – Based upon the information provided, it is in the best interest of the public's safety and welfare to authorize the Summary Suspension Order.

**Second:** Reese Smith, III.

**Roll Call Vote:**

Jerry Hayes...	Yes	Ronnie Tickle...	Yes
Frank Neal...	Yes	Keith Whittington	Yes
Reese Smith...	Yes		

Motion approved to execute Summary Suspension Order for American Shingle, LLC.

### Discussion

- ▶ Ensure a copy of the surety bond and insurance is sent to every complainant.
- ▶ Amount of Home Improvement Bond – Should be consistent with the amount of work performed, from \$10,000 to \$25,000. *(To be listed on the September 28<sup>th</sup> Board meeting agenda for discussion).*
- ▶ Staff is to work with law enforcement; Attorney General's office; and District Attorney to ensure the contractor is prosecuted. New legislation passed, Public Chapter 1055 makes it a felony to take money without performing work if the intent is to defraud.

### Next Meeting

September 28 & 29, 2010 – Knoxville, TN

Adjourn